



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 14, 2006  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**      *P*      *A*      *P*      *P*      *A*      *P*      *P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*  
*Commissioner Ray arrived at 5:22 p.m.*

### AGENDA APPROVAL

A MOTION WAS MADE BY DINGWALL SECONDED BY HORGAN TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 14, 2006, BY THE FOLLOWING VOTE:

AYES:            Burnett, Scandura, Dingwall, Horgan, Dwyer  
NOES:            None  
ABSENT:        Ray, Livengood  
ABSTAIN:       None

### MOTION APPROVED

A.    PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B.    STUDY SESSION ITEMS

B-1.    **PLANNING DEPARTMENT STAFF INTRODUCTIONS – Herb Fauland**

The following Planning Department staff members were introduced to the Commission:

Scott Hess, Planning Manager

Administration

Cathy Salcedo  
Ramona Kohlmann  
Judy Demers  
Kathy Schooley

Code Enforcement

Bill Zylla  
Mike Fuentes  
Al Brady  
Tony Duarte  
Tim Flanagan  
Richard Hedden  
Richard Massi

Advance Planning

Jane James  
Ricky Ramos  
Jason Kelley  
Rosemary Medel  
Chris Davis

Current Planning

Herb Fauland  
Paul DaVeiga  
Ron Santos

The following staff members introduced themselves and the department they represent:

Eric Engberg, Division Chief/Fire Marshall  
Terri Elliott, Civil Engineer Principal, Public Works  
Steve Bogart, Civil Engineer Associate, Public Works  
Paul D'Alessandro, Assistant City Attorney

**B-2. OVERVIEW OF 2005 PLANNING DEPARTMENT ANNUAL REPORT –  
Herb Fauland**

Fauland gave a Powerpoint presentation that explained the role the Department of Planning plays in the city. He reviewed the components of city government that the Planning staff supports and the number of applications reviewed by the various Boards, Committees, and assorted City Departments.

Fauland gave details on the numerous services and permits provided by the Planning Department Public Counter, Advance Planning and Current Planning.

Bill Zylla gave a brief explanation of the code enforcement process followed by the division and it's interaction with the community. Over 2,800 proactive and reactive complaints were handled throughout 2005. He further explained some of the actual complaints and violations.

Fauland went on to review major projects such as the Strand, Pacific City, Bella Terra, Beachmont Plaza and the Brightwater project.

Discussion ensued regarding some of the projects covered in the presentation.

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)**

**C-1. APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE (EAC)  
DETERMINATION TO PROCESS MITIGATED NEGATIVE DECLARATION NO.  
04-10 (HOME DEPOT – 19101 MAGNOLIA STREET) – Ron Santos**

Fauland stated that Chair Dingwall passed out three informational papers regarding Item B-1.

Santos advised one late communication was received from the applicant with regards to some questions from Commissioner Scandura.

Dwyer questioned the outcome of item B-1 if the Planning Commission reached a tied vote. Staff explained that the original EAC determination would stand.

**D. PLANNING COMMISSION COMMITTEE REPORTS:**

Commissioner Ray reported on the meetings regarding the Major Projects Review Process Committee and a presentation would be given at the March 28<sup>th</sup> Study Session.

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) – NONE**

**F. PLANNING COMMISSION COMMENTS - NONE**

**6:20 P.M. – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Burnett

**ROLL CALL:**        *P            A            P            P            P            P            P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

**AGENDA APPROVAL**

**A MOTION WAS MADE BY DINGWALL, SECONDED BY HORGAN, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 14, 2006, BY THE FOLLOWING VOTE:**

**AYES:**            Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:**            None  
**ABSENT:**        Livengood  
**ABSTAIN:**        None

**MOTION APPROVED**

**A.    ORAL COMMUNICATIONS**

Steve Stafford, resident, provided comments regarding the on-going problems at Crystal Island.

**B.    PUBLIC HEARING ITEMS**

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

**B-1.    APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE DETERMINATION TO PROCESS DRAFT MITIGATED NEGATIVE DECLARATION**

**NO. 04-10 (HOME DEPOT: Appellant:** Commissioner Steve Ray **Applicant:** Scott Mommer Consulting **Request:** Draft Mitigated Negative Declaration No. 04-10, analyzes the potential environmental impacts associated with Conditional Use Permit No. 04-56, a proposal to demolish an existing 125,487 sq. ft. (including an attached 8,500 s.f. garden center) former K-Mart building, and replace it with a new 130,536 sq. ft. (including an attached 25,000 sq. ft. garden center) Home Depot, new parking lot paving, landscaping and other associated site improvements. The Planning Commission will consider the Environmental Assessment Committee's determination to process a Draft Mitigated Negative Declaration (MND) for the proposed Home Depot project and make a determination as to whether the MND is the appropriate level of environmental review for the proposed project. **Location:** 19101 Magnolia St. (southwest of the Magnolia Street/ Garfield Avenue intersection). **Project Planner:** **Ron Santos**

**STAFF RECOMMENDATION:** Motion to: "Continue processing Draft Mitigated Negative Declaration No. 04-10, and commence the 30-day public review and comment period."

Ron Santos gave a Powerpoint presentation explaining the Mitigated Negative Declaration, the Environmental Assessment Committee and the appeal filed by Commissioner Ray. He advised that three meetings were held by the EAC to determine the level of environmental processing for the proposed project. He reviewed the potential environmental impacts such as geological, traffic and noise.

Fauland advised of a late communication received from Scott Mommer of Home Depot which addressed the questions submitted by Commissioner Scandura.

Chair Dingwall passed out three items covering health effects from diesel fumes.

The Commission made the following disclosures:

- Commissioner Dwyer visited the site many times, spoke with neighbors, City Councilmember Bohr, Home Depot representatives and staff.
- Commissioner Scandura visited the subject site several times, met with residents, spoke with Marice White of Home Depot, Councilmember Coerper and staff. He read items in the newspaper, study session items and attended a neighborhood meeting.
- Commissioner Dingwall stated he has visited the site many times over the years and also spoke with residents, Councilmember Bohr, the Director of Planning Howard Zelefsky, Home Depot representatives and staff. He also attended community meetings.
- Commissioner Horgan visited the site many times and spoke with Marice White of Home Depot, neighbors and Commissioner Burnett.
- Chair Ray visited the subject site on many occasions and spoke with Councilmembers Bohr and Coerper, Commissioners Dingwall and Livengood, neighbors and staff.
- Commissioner Burnett visited the site, attended a neighborhood meeting and spoke with Councilmember Bohr, Commissioner Horgan, Home Depot representatives and staff.

Scandura asked about the installation of a traffic signal at Hyde Park and Magnolia.

Public Works staff advised that it would depend on the approved site plan. The current proposed plan would not require a traffic signal, but under another scenario when driveways are combined, the need for a signal may be warranted.

Commissioner Ray reviewed the following areas of concern with regards to his appeal:

- Significant environmental impacts such as utilities, cultural and agricultural resources
- Possible mitigation of transportation and traffic concerns
- CEQA law with regards to land use and air quality, transportation and traffic, noise, soil and public services

Ray referred to attachment 2.5 par. 2 which covered the combining of driveways. Ray stated this was a significant area of impact due to the lack of provisions for bicyclists and the object of the plan is to limit driveways and the current plan is not providing for that.

Ray continued by referring to the traffic and pedestrian studies saying that there is a lack of objective criteria and there have been 36 vehicle accidents along Magnolia near the school. He stated that the pedestrian study was not conducted during appropriate hours of activity and the residents have been conducting their own studies. He also voiced concern regarding day

laborers gathering at the nearby park. Ray further recommended a mitigation of a traffic light at the intersection of the area of concern.

Ray pointed out attachments 2.7 and 2.8, Geology and Soils, as potentially significant impacts unless mitigated. He advised the site is subject to liquefaction and sinking in the case of an earthquake. He stated that the potential removal of two feet of soil and the refilling of said soil at a later date would bring into question a runoff issue during the interim time. Referring to attachment 2.11 regarding air quality and the studies conducted by qualified engineers were determining westerly winds and no diurnal winds. Ray advised that the City of Huntington Beach has diurnal wind patterns and truck exhausts would affect residents.

### **THE PUBLIC HEARING WAS OPENED**

Marice White representing Home Depot, gave a Powerpoint presentation that covered land use, driveways, water and dust control and air quality. She reiterated that all State and Federal standards that apply to the project are strictly followed. She stated that an EIR is not warranted as all issues can be mitigated. She stated that a new traffic signal at Hyde Park is a mitigation supported by Home Depot. She requested that the Planning Commission deny the appeal and continue with the MND.

Ann Johnston, resident, stated that Home Depot is not a Kmart and should not be compared as one. She did not think that another Home Depot is necessary as there is a Lowe's, OSH and Ace Hardware in the local area. She said she is concerned about traffic and the crossing area for children. She stated that specific conditions of approval should address solicitation.

Donna DiBlase, resident, spoke in support of Home Depot and the benefits it will provide to the area.

Jack Lamey, resident, spoke in support of approving the Negative Declaration. He gave some suggestions for mitigations and advised that the Police Department should enforce the Municipal Code.

Eric Brenn, a local business owner, had gathered 100 signatures in favor of Home Depot. He does agree that a new traffic signal and joint driveways should be installed. He stated that currently there are vagrants gathered at the location and vehicle racing at night in the parking lot.

Doug Kochanowski, resident, stated that the Phase I Site Assessment is not in accordance with current standards. He has concerns regarding roof tar, air quality and truck idling. These areas are lacking in the report and asked if tests could be made after construction.

Frigga Brenn, local business owner, spoke in support of the Home Depot construction and also stated that a new traffic signal needs to be installed at the location.

Hans Brenn, local business owner, spoke in favor of the Home Depot construction.

Summer Hickman, resident, advised that her home backs up to the site and is concerned regarding truck exhausts and noise. She asked if the will call area could be placed elsewhere.

Laura Beasley, resident, stated that she wants to see a new EIR conducted due to potential health risks and safety issues.

Bob Henderson, resident, stated that his rear yard backs up to the site and he is concerned regarding the increased noise and emissions from delivery trucks for Home Depot as compared to the prior Kmart.

Lori Johnson, Fountain Valley resident, voiced concerns for the residents in Fountain Valley who are located across the street from the project. She stated that the environmental issues have not been adequately addressed or mitigated and thinks an EIR is in order.

Katie Hendren, resident of Lindsey Lane for over 30 years, stated that the residential area is already a well traveled thoroughfare and fears it becoming worse with a new Home Depot opening.

Ana Baum, resident, spoke against the Home Depot project and voiced concern for children in the nearby park. She also fears excessive traffic and truck emissions.

Britt Klingenberg, resident, stated he is in agreement with Commissioner Ray and would like to see an EIR. He stated that the air quality would be affected and would affect his son's existing asthma condition.

Kathy Klingenberg, resident, advised that the noise from the trucks would be extremely noisy and a health hazard due to the diesel fumes. She also stated that the pedestrian study was inaccurate and should have been conducted when children were leaving school and using the crosswalk. She suggested the loading dock be relocated away from nearby homes. She also addressed the day laborer issue and the impact they would have on the nearby park. She pointed out that the traffic study has several comparisons to Kmart.

Steve Stafford, resident, stated he is in agreement with the appeal by Commissioner Ray.

Mike Joyce, Attorney for Home Depot, stated that a determination for an EIR would be an attempt to delay the project and advised against it. He said he wanted to have a yes or no vote this evening from the Planning Commission and stated that the Home Depot store may not open if an EIR is determined. He advised that Home Depot may open the existing store as is.

Kiyosui Watanabe, local business owner, stated he has been in business for six years, however, his business has been greatly affected in the past 18 months due to the closing of Kmart. He spoke in favor of opening the new Home Depot store.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Discussion ensued regarding the processing of the Draft Mitigated Negative Declaration. The following issues were discussed:

- Runoff and high wind control during construction
- Wind patterns
- Onsite air quality studies
- Combining of driveways
- Vehicle and pedestrian traffic
- Installation of a traffic signal
- Requirements regarding an EIR

- Upgrading the facility to meet current safety standards
- Sound levels
- Day laborer issue

Scandura opposed the need for an EIR. He advised that the MND information is adequate and can be covered in a 30-day review. Scandura continued by saying that a possible EIR will not address all issues raised tonight-just the environmental impact. Scandura stated that he is prepared to make a motion to continue processing the MND. Dwyer stated he would second the motion.

Ray interjected that his appeal has been judged unfairly as filibustering and that was not his intent. He stated in his appeal that he felt the potential impacts could be mitigated and that better documentation be brought before the Commission.

**A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER TO APPROVE TO CONTINUE PROCESSING DRAFT MITIGATED NEGATIVE DECLARATION NO. 04-10 AND COMMENCE THE 30-DAY PUBLIC REVIEW AND COMMENT PERIOD. ACTION WAS TAKEN BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>Burnett, Scandura, Dingwall, Ray, Dwyer</b>
<b>NOES:</b>	<b>Horgan</b>
<b>ABSENT:</b>	<b>Livengood</b>
<b>ABSTAIN:</b>	<b>None</b>

### **MOTION APPROVED**

#### **C. CONSENT CALENDAR - NONE**

#### **D. NON-PUBLIC HEARING ITEMS – NONE**

#### **E. PLANNING ITEMS**

##### **E.1. CITY COUNCIL ACTION FROM PREVIOUS MEETING**

**Scott Hess, Planning Manager** – None.

##### **E2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**Scott Hess, Planning Manager** – None.

##### **E3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**Herb Fauland, Principal Planner** – reported on the items scheduled for Study Session only on March 28, 2006.

#### **F. PLANNING COMMISSION ITEMS**

##### **F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

##### **F-2. PLANNING COMMISSION COMMENTS**

Commissioner Burnett – None.

Commissioner Livengood - Absent.

Vice-Chairperson Scandura – Asked staff to provide an update on the minute action forwarded to the City Council regarding loading docks and if the City Council has taken action. Staff will follow-up and provide information.

Chairperson Dingwall – Wished Commissioner Scandura a happy birthday.

Commissioner Ray – Thanked Ron Santos for all his hard work and commended him on a job well done regarding the Home Depot project.

Commissioner Horgan – Wished Commissioner Scandura a happy birthday.

Commissioner Dwyer – None.

**ADJOURNMENT:**

Adjourned at 12:00 a.m. to the next regularly scheduled meeting of Tuesday, March 28, 2006.

APPROVED BY:

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Howard Zelefsky, Secretary

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Robert Dingwall, Chair